

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC SHAWN ROASTING STICK,

Defendant.

CR-20-1-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 3, 2021. (Doc. 98.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 30, 2021. (Doc. 93.) The United States accused Roasting Stick of violating his conditions of supervised release 1)by failing to report for substance abuse testing on two

separate occasions; 2) by using methamphetamine; 3) by failing to follow the instructions of his probation officer; and 4) by leaving Montana without obtaining the prior approval of his probation office. (Doc. 92.)

At the revocation hearing, Roasting Stick admitted to violating the conditions of his supervised release 1)by failing to report for substance abuse testing on two separate occasions; 2)by using methamphetamine; 3) by failing to follow the instructions of his probation officer; and 4) by leaving Montana without obtaining the prior approval of his probation office . (Doc. 93.) Judge Johnston found that the violations Roasting Stick admitted proved to be serious and warranted revocation, and recommended that Roasting Stick receive a custodial sentence until May 10, 2017, with 10 months of supervised release to follow.

Roasting Stick should be transported to Connections Corrections in Warm Springs, Montana upon completion of his term of custody. (Doc. 98.) Roasting Stick was advised of his right to appeal and his right to allocute before the undersigned.

(Doc. 93.) The fourteen day objection period would lapse before Roasting Stick's May 10, 2021 release date. Chambers spoke with Roasting Stick's counsel, Rachel Julagay, and she indicated that Roasting Stick would waive the 14 day objection period and his right to allocute before the undersigned. (Doc. 99.) The violations prove serious and warrant revocation of Roasting Stick's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 98) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Erich Shawn Roasting Stick be sentenced to the custody of the United States Bureau of Prisons until May 10, 2021, with 10 months of supervised release to follow. Roasting Stick should be transported to Connections Corrections in Warm Spring, Montana upon completion of his term of custody. Roasting Stick should serve the first 60 days of supervised release at Connections Corrections.

DATED this 7th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

